

Application No. 10/808,821
Amendment dated September 27, 2005
Reply to Office Action of June 30, 2005

Docket No. 1232-5357

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-8 are pending in this application. Claim 1 is independent. All of the pending claims stand rejected. By this amendment, claims 1-8 are amended and new claims 9-11 are added. No new matter has been added by these amendments.

Rejection under 35 U.S.C. §102

In paragraph three (3) of the Office Action, claims 1-5 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,614,412 to Hirano et al. ("Hirano").

In paragraph four (4) of the Office Action, claims 1 and 6-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,597,334 to Nakamura ("Nakamura").

As indicated above, claims 1-8 have been amended for further clarification. In particular, independent claim 1 recites a display device structure in which a colored layer and a luminescent layer are sequentially disposed on a second substrate. Amended claim 1 further recites that the positions of the charged particles covering the second substrate determines the display states. Other claims (i.e., claims 2-8) are amended for the consistencies with amended claim 1. Support for the amendment may be found, for example, at Fig. 1 and relevant portions of the specification.

As Applicant described in the Background section of the specification, one of the problems in an electrophoretic display device is its invisibility in a dark environment. To resolve

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this problem, there have been attempts to use a fluorescent material mixed with either the insulating liquid or the charged particles. Applicant identified that using the fluorescent material in a mixed state with the insulating liquid or charged particles arises many restrictions on overall device fabrication and control process.

One of the aspects of the present invention as featured in amended claim 1 is directed to using the fluorescent material as a separate layer (as opposed to mixing it with the insulating liquid or charged particles) along with a colored layer enhancing both the device fabrication process and controllability.

Applicant note that the two cited references (i.e., Hirano and Nakamura) are directed to a plasma display panel. As is well known in the art, a plasma display panel utilizes excited gas ions enclosed between two substrate by applying a high-voltage to the substrate. Applicant further note that the excited gas ions may be called as charged particles and indicated as positive and negative symbols as shown in, for example, Fig. 5 of Nakamura.

Applicant believes that the charged particles (i.e., excited ions in a PDP display device) in the cited references are different from the charged particles of the present invention in that the charged particles in the present invention are physical (tangible) particles. For example, amended claim 1 recites, *inter alia*, "charged particles mixed with insulating liquid..." Moreover, another portion of claim 1 recites that "a portion of said charged particles covering the second substrate determines a plurality of display states..."

Accordingly, amended claim 1 is believed neither anticipate by nor rendered obvious in view of the cited references (i.e., Hirano and Nakamura), either taken alone or in combination, for at least the reasons discussed above.

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Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §§102(b)(e) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

New Claims

New claims 9-11 have been added to recite the claimed invention in an alternative manner. Specifically, added claim 9 depends from claim 1, and added independent claim 10 recites similar features to claim 1 as amended as discussed above, i.e., "a luminescent layer disposed on the second substrate." Furthermore, new claim 11 depends from claim 10. Added claims 9-11 are accordingly, believed allowable for at least similar reasons as for claim 1.

Applicant believes that the application as amended including new claims is in condition for allowance and such action is respectfully requested.

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AUTHORIZATION

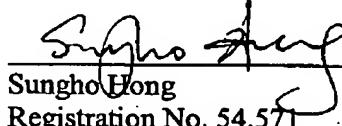
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5357). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: September 27, 2005

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